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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,515	05/24/2001	Kazuhiro Kamemoto	P 280271 T4HW-00S0928P	9891
909	7590	03/14/2006	EXAMINER BROWN, RUEBEN M	
PILLSBURY WINTHROP SHAW PITTMAN, LLP P.O. BOX 10500 MCLEAN, VA 22102			ART UNIT 2611	PAPER NUMBER

DATE MAILED: 03/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/863,515

Applicant(s)

KAMEMOTO ET AL.

Examiner

Reuben M. Brown

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5, 11-13, 16-17 & 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-3, 5, 11-13, 16, 17 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3 & 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nobakht, (U.S. Pat # 6,745,223), in view of Maissel, (U.S. Pat # 6,637,029).

Considering amended claims 1 & 5, the claimed 'digital broadcast receiver that receives digital broadcast data, comprising control means configured to reproduce the digital broadcast data on the basis of contract information recorded on a memory card plugged into a card slot', is met by the STB 131, that receives a smart card 232, into a smart card socket 215, see Fig. 2 & col. 6, lines 55-67; col. 13, lines 1-15 & col. 15, lines 1-10.

As for the specifics of the claimed 'based on contract information recorded on a memory card', Nobakht teaches that user identification and user authorization information stored in the smart card 232 is used by the system to determine whether a channel table will be available from which programming can be selected, see col. 7, lines 4-44; col. 8, lines 28-60; col. 12, lines 35-67 thru col. 13, lines 1-50 & col. 14, lines 1-10.

'a memory for data storage built into the memory card', reads on non-volatile memory 330, col. 6, lines 60-67 thru col. 7, lines 1-10 & Fig. 3B.

'interface means added to the control means configured to obtain program selecting data contained in the received digital broadcast data and to record program selecting data into the memory of the memory card plugged in to the card slot', Nobakht teaches that the channel table data downloaded to the STB 131, is stored in SDRAM 218; col. 14, lines 1-10 & col. 15, lines 5-35. However, Nobakht does not state that the data may also be transferred to memory on the smart card.

Nevertheless Maissel, which is in the same field of endeavor, teaches storing a viewer preference profile on an appropriate smart cards, see Abstract; col. 15, lines 10-15. Since Maissel teaches that the viewer preference profile includes program characteristics of programs viewed by the viewer, which are extracted from the program schedule information, (col. 12, lines 15-25) the viewer preference profile reads on the claimed 'program selecting data'. It would

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have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Nobakht with the feature of recording program selecting data on a smart card, at least for desirable benefit of allowing the recorded viewer preference profile to be loaded on another apparatus, as taught by Maissel, see col. 15, lines 10-17.

It is pointed out that Nobakht does teach that subscribes recently visited web sites may be stored on the smart card 232, which again suggest that it would have been obvious to modify Nobakht to also store program selecting data on a smart card.

Considering amended claims 2-3, the claimed 'adjustment data for each unit in the digital broadcast receiver', is broad enough to read on the disclosure in Maissel that the viewer preference profile data at least includes the programs and characteristics of programs that have been watched by the subscriber, which are transmitted along with broadcast program, at least in order to identify the instant program(s) watched by the subscriber, see col. 12, lines 10-45.

4. Claims 11-13, 16-17 & 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nobakht & Maissel as applied to claims 1 & 5 above, and further in view of Allport, (U.S. Pat # 6,882,299).

Considering amended claim 11, even though both Nobakht & Maissel disclose the use of a remote control device, neither reference teaches that the remote control has a slot for receiving a smart card and reproduces data in memory, when the smart card is inserted. However Allport, which is in the same field of endeavor, discloses a remote control 10 that includes a smart card for authenticating access to information stored on the instant remote control, col. 9, lines 10-15 & Fig. 5. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Nobakht with the feature of requiring a smart card for access to data using a remote control, for the improvement of a more secure system, as taught by Allport.

As for the additional features of a remote control equipped with operating members; a display unit; and a card slot and has functions of; when the memory card (having program selecting data contained in the digital broadcast data written into its built-in memory) is plugged in to the card slot, displays the program selecting data on the unit and send program selecting data selected from the displayed contents on the basis of the operation of the operating members', is met by the operation of the remote control 10, which includes a display 85 and card slot, for receiving a smart card, which operates as a password, (col. 8, lines 40-60; col. 9, lines 9-25). Allport goes on to teach that the remote control 10 displays an EPG, from which users may select a particular program for viewing, see col. 9, lines 24-55; col. 10, lines 21-58; col. 12, lines 49-65).

Thus, the amended claimed feature of, 'and sends program select information to the digital broadcast receiver selected based on the contents displayed \on the display unit', is met by

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the subscriber in Allport choosing one of the programs listed on the EPG to be received by the TV, see col. 9, lines 25-60 & col. 13, lines 1-14; col. 13, lines 50-65.

Considering amended claim 12, the claimed digital broadcast receiver system that receives digital broadcast data comprises elements that correspond with subject matter mentioned above in the rejection of claim 11, and is likewise treated.

Considering claims amended 13 & 16-17, the claimed method for controlling, digital broadcast receiver, or remote control for controlling a digital broadcast receiver, comprising steps that substantially correspond with subject matter mentioned above in the rejection of claim 11, and are likewise analyzed.

Considering amended claim 20, the claimed remote controller that operates to reproduce digital broadcast data based on contract information recorded on a memory card, comprises features that correspond with subject matter mentioned above in the rejection of claim 11, and is likewise treated.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A) Ishida Teaches that a smart card may be equipped with an IC memory to which billing, participation and agreement information may be written, col. 9, lines 15-20.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Or:

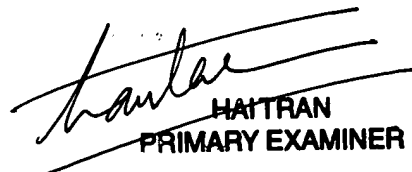
(571) 273-7290 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F(8:30-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Reuben M. Brown


HAITRAN
PRIMARY EXAMINER